

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL UNION
NO. 46 and LOCAL UNION NO. 76,

Plaintiffs,

v.

ADT, LLC d/b/a ADT SECURITY SERVICES,

Defendant.

No.

**COMPLAINT TO CONFIRM AND
ENFORCE ARBITRATOR'S
AWARD**

Plaintiffs plead as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter under Section 301 of the Labor Management Relations Act, as amended, 29 U.S.C. §185.

2. Venue is appropriate in this Court under 28 U.S.C. §§ 1391 and 1392.

PARTIES

3. Plaintiffs International Brotherhood of Electrical Workers, Local Union No. 46 and Local Union No. 76 ("Unions") are labor organizations engaged in an industry affecting

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1 commerce, within the meaning of the Labor Management Relations Act, 29 U.S.C. §142(1) and
2 152(5), with offices in King County and Pierce County, Washington respectively. The Unions
3 conduct business in this judicial district.

4 4. Defendant ADT, LLC d/b/a ADT SECURITY SERVICES (“Employer”) is an
5 employer in an industry affecting commerce, within the meaning of the Labor Management
6 Relations Act, 29 U.S.C. §142(1) and 152(2). The Employer does business in this judicial
7 district and division.

8 **CLAIM FOR RELIEF**

9 5. Since 1979, the Unions and Employer have been parties to a series of collective
10 bargaining agreements covering residential and small business installers and technicians
11 presently employed out of the Employer’s Bothell and Tacoma, Washington facilities.

12 6. The parties’ collective bargaining agreement effective June 1, 2014 through May
13 31, 2017 contained a grievance and arbitration procedure for the resolution of disputes arising
14 under the agreement. The procedure culminates in binding arbitration.

15 7. On April 14, 2017, the Unions filed a grievance alleging that the Employer’s
16 change from a weekly paycheck system to bi-weekly paychecks was a violation of the collective
17 bargaining agreement.

18 8. The parties were unable to resolve the grievance in the preliminary steps of the
19 negotiated grievance procedure and the Unions moved the grievance to arbitration.

20 9. The Employer did not raise any procedural or substantive bars to arbitration and
21 agreed to submit the grievance to arbitration.
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1 10. The parties selected Arbitrator Michael E. Cavanaugh to serve as arbitrator. A
2 hearing was held on January 23, 2018, at which time the parties presented evidence and
3 argument. Following the hearing, both parties submitted post-hearing briefs to the Arbitrator.

4 11. Arbitrator Cavanaugh issued a Decision and Award ("Award") on March 19,
5 2018. Arbitrator Cavanaugh sustained the grievance and ordered the Employer to "return the
6 employees to a weekly pay frequency as soon as it is practicable."

7 12. The Employer has stated that it does not intend to comply with the Award, and
8 consistent with this stated intention, the Employer has taken no action to return the employees to
9 a weekly pay frequency.

10 13. The Employer did not take action to vacate the Award within ninety days of the
11 award.

12 WHEREFORE, the Unions request the following relief in their favor:

13 (a) For confirmation and enforcement of the March 19, 2018 Decision and Award
14 issued by Arbitrator Cavanaugh;

15 (b) For an order directing the Employer to comply with the Award and return the
16 employees to a weekly pay frequency;

17 (c) For an order awarding the Unions all costs of enforcing this award, including
18 costs of suit and attorneys' fees; and

19 (d) For such other and further relief as the Court deems just and proper.
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1 DATED this 20th day of June, 2018.

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25 COMPLAINT TO CONFIRM AND
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